IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

WP(C).No. 2329 of 2005(B)

PETITIONER:

K.BEERAN KUTTY,
AKAYATHUDY HOUSE, PUTHURPALLICKAL,
THENJIPALAM, MALAPPURAM DISTRICT.

BY ADV. SRI.O.D.SIVADAS

RESPONDENTS:
---

1. THE REGIONAL TRANSPORT OFFICER,
KOZHIKODE.

2. THE DEPUTY TAHSILDAR(ARREAR COLLECTION),
TALUK OFFICE, TIRURANGADI, MALAPPURAM DISTRICT.

3. THE VILLAGE OFFICER,
PALLICAKL, MALAPPURAM DISTRICT.

BY G.P. SRI. P. RAVINDRA BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE REVENUE RECOVERY NOTICE UNDER SECTION 34 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P2 TRUE COPY OF THE REVENUE RECOVERY NOTICE DATED 3.12.2005 UNDER SECTION 7 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N. RAMACHANDRAN NAIR, J.

W.P.C. NO. 2329 OF 2005

Dated this the 14th day of December, 2007

JUDGMENT

Petitioner is challenging recovery proceedings for recovery of arrears of motor vehicle tax due in respect of a vehicle. The ground for challenge is that the petitioner has filed Form G for non-use of the vehicle. However, no proof is furnished in Court about Form G furnished by the petitioner. In the circumstances, there is no scope for interference with the proceedings for recovery of arrears of motor vehicle tax. However, since this Court has granted conditional stay on payment of Rs. 5,000/- within one month from 20.1.2005, I feel, petitioner can be granted waiver of surcharge if petitioner has remitted Rs. 5,000/- and if petitioner remits balance amount at least by 28.2.2008. W.P. is therefore disposed of granting waiver of surcharge if petitioner remits balance amount on or before 28.2.2008 after giving credit to Rs. 5,000/- if any paid by the petitioner.

(C.N. RAMACHANDRAN NAIR)
Judge